



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

July 15, 1957

Dr. Henry A. Holle
Commissioner of Health
State Department of Health
Austin, Texas

Opinion No. WW-194

Re: Authority of a City Health
Officer to assist in en-
forcing the provisions of
House Bill 194, Acts of the
55th Legislature, R.S. 1957.

Dear Dr. Holle:

This opinion is in response to your letter of June 27, 1957 in which you present the following questions, regarding House Bill 194, enacted by the 55th Legislature, Regular Session, 1957:

1. "Is there any provision in House Bill 194 which would prohibit a city health officer from taking action against any person violating this law within the city health officer's jurisdiction provided the complaint was filed in county court since the maximum penalty removes jurisdiction from corporation and justice courts?
2. "Is there any provision in House Bill 194 which would prohibit a city health officer from enforcing this law in his jurisdiction and prosecuting violations in corporation court if the maximum penalty were \$200.00 with no provision for imprisonment?"

You are advised that both of the questions you ask are answered in the negative.

Article 4430, Vernon's Civil Statutes, provides that the city health officer shall fully cooperate with the State Department of Health and city health officers shall discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Department of Health and the Commissioner of Health.

Article 4430, Vernon's Civil Statutes, also provides that the city health officer shall aid the State Department of Health at all times in the enforcement of proper rules, regulations and requirements in the enforcement of all sanitary

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laws, quarantine regulations and vital statistics collection, and perform such other duties as the State Health Department shall direct.

Subdivision (a), Section 5 of House Bill 194, states:

"This Act shall be enforced by the Commissioner of Health of the State of Texas."

Under the provision of Article 4430, Vernon's Civil Statutes, the Commissioner of Health may call upon the city health officer to aid in the enforcement of House Bill 194.


There is no provision in House Bill 194 which would prohibit a city health officer from taking action against any person violating said law within the city health officer's jurisdiction if called upon by Commissioner of Health to do so.

SUMMARY

The city health officer has authority to take action against any person violating House Bill 194 within the city health officer's jurisdiction if called upon by Commissioner of Health to do so.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
Marvin R. Thomas, Jr.
Assistant

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APPROVED:
OPINION COMMITTEE
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REVIEWED FOR THE ATTORNEY GENERAL
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